

A¹
cont.

12. (NEW) A composition according to Claim 11 in which the solvent is selected from the group consisting of hexamethylcyclotrisiloxane, octamethylcyclotetrasiloxane, decamethylcyclopentasiloxane, dodecamethylcyclohexasiloxane, hexamethyldisiloxane, octamethyltrisiloxane, decamethyltetrasiloxane, dodecamethylpentasiloxane, tetradecamethylhexasiloxane, and hexadecamethylheptasiloxane.

REMARKS

This reply is in response to the Office Action dated March 12, 2002.

The original Claims 106 have been cancelled and replaced by new Claims 7-12. The new claims are believed to comply with the Examiner's enablement requirement, as the new claims contain the enabling portions from the specification noted by the Examiner to be enabling.

It is not seen wherein new Claims 7-12 are suggested by the various references applied by the Examiner. For example, the Remington Article suggests preparing oil-in-water (O/W) emulsions rather than water-in-oil (W/O) emulsions as claimed. Schulz (US 5654362) fails to even mention the preparation of emulsions. Lin (US 6207717) fails to disclose a non-emulsifying α,ω -diene crosslinked silicone elastomer having no oxyalkylene units in its structure. Lin further omits altogether any mention about the presence of a nonionic organic emulsifier of the type now being claimed, i.e., carboxylated alcohol ethoxylates, carboxylated


alkylphenol ethoxylates, ethoxylated alcohols, ethoxylated fatty acids, ethoxylated fatty esters, ethoxylated fatty oils, glycerol esters, polyglycerol fatty esters, ethoxylated glycerol esters, sorbitan derivatives, sucrose esters and their derivatives, and glucose esters and their derivatives. In Schilling (US 4150048), the silicone polyethers are described as being useful for preparing urethane foams rather than for preparing water-in-oil (W/O) emulsions as claimed.

Thus, there is no suggestion to combine these various references. Any suggestion to combine them would appear to reside in applicant's disclosure rather than what resides in the prior art. Since the claimed invention is different from what is disclosed in one or more of these references, obviousness requires inquiry into whether there is a reason, suggestion, or motivation, to make the combination. As noted, however, applicant's fail to see any reason, suggestion, or motivation, which would lead an inventor to combine such references, other than by reference to their own disclosure.

In view of the above, it is considered that the new claims clearly distinguish over the cited references for the reasons stated, and the Examiner is requested to withdraw the rejections and pass the case to issue.

Respectfully submitted,

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)Applicant(s): **Bartley D. Maxon and Michael S. Starch**

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San Ming R. Hui

Group Art Unit

1617

Invention: **ESTABILIZATION OF VITAMINS IN WATER-IN SILICONE OIL (W/O) EMULSIONS**1617
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